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10/051,427	01/18/2002	Thomas J. Hoehn	84012PCW	9049

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Thomas H. Close  
Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,427

Applicant(s)

HOEHN ET AL.

Examiner

Dennis G. Bonshock

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because they are informal and appear to be hand draw sketches with difficult to read hand written text. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by

Morris et al., patent #6,097,389, hereinafter Morris

4. With regard to claim 1, which teaches a method for displaying photo pages on the Internet, Morris teaches, a system for viewing photo albums on the Internet. With regard to claim 1, further teaching displaying a template having a plurality of page layouts on the internet, and displaying a template having a plurality of styles for the page layouts on the internet, Morris teaches, in column 12, lines 18-28, column 5, lines 25-43, and in figure 12A, the displaying of a plurality of templates and styles for user selection available over the network. With regard to claim 1, further teaching after selection by a user of the page layout and style, displaying the selected combination of the page layout and style for forming a selected photo page on the Internet, column 12, lines 26-28, the display of the currently selected layout and style. With regard to claim 1, further teaching inserting one or more images that are selected by the user into the selected photo page, Morris teaches, in column 5, lines 42-44, the user selecting images for the various image slots on the album's pages.

5. With regard to claim 2, which teaches inserting text that is input by the user and that is associated with one or more of the images onto the photo page, Morris teaches, in column 5, lines 52-55, the user entering a caption or title for the images.

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6. With regard to claim 3, which teaches displaying a preview photo page on the internet, Morris teaches, in column 12, line 50 through column 13, lines 36, column 7, lines 30-59, and in figures 12A and 12B, the production of the preview pane complete with user selected images and text, on the internet.

7. With regard to claim 4, which teaches displaying thumbnail images of the page layouts, Morris teaches, column 12, lines 18-28, column 1, lines 50-53, and figures 12A and 2B, displaying thumbnail images of the optional page layouts.

8. With regard to claim 5, which teaches which teaches a method for displaying photo pages on the Internet, Morris teaches, a system for viewing photo albums on the internet. With regard to claim 5, further teaching displaying a template having a plurality of page layouts on the internet, Morris teaches, in column 12, lines 18-28, column 5, lines 25-43, and in figure 12A, the displaying a plurality of templates and styles for user selection available over the network.

With regard to claim 5, further teaching after selection by a user of the page layout, displaying the selected page layout for forming a selected photo page on the Internet, column 12, lines 26-28, the display of the currently selected layout and style. With regard to claim 5, further teaching inserting one or more images that are selected by the user into the selected photo page, Morris teaches, in column 5, lines 42-44, the user selecting images for the various image slots on the album's pages.

9. With regard to claim 6, which teaches inserting text that is input by the user and that is associated with one or more of the images onto the photo page,

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Morris teaches, in column 5, lines 52-55, the user entering a caption or title for the images.

10. With regard to claim 7, which teaches displaying a preview photo page on the internet, Morris teaches, in column 12, line 50 through column 13, lines 36, column 7, lines 30-59, and in figures 12A and 12B, the production of the preview pane complete with user selected images and text, on the internet.

11. With regard to claim 8, which teaches a method for displaying photo pages on the Internet, Morris teaches, a system for viewing photo albums on the Internet. With regard to claim 8, further teaching displaying a template having a plurality of styles for the page layouts on the internet, Morris teaches, in column 12, lines 18-28, column 5, lines 25-43, and in figure 12A, the displaying a plurality of templates and styles for user selection available over the network. With regard to claim 8, further teaching after selection by a user of the page style, displaying the selected page style for forming a selected photo page on the Internet, column 12, lines 26-28, the display of the currently selected layout and style. With regard to claim 8, further teaching inserting one or more images that are selected by the user into the selected photo page, Morris teaches, in column 5, lines 42-44, the user selecting images for the various image slots on the album's pages.

12. With regard to claim 9, which teaches inserting text that is input by the user and that is associated with one or more of the images onto the photo page, Morris teaches, in column 5, lines 52-55, the user entering a caption or title for the images.

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13. With regard to claim 10, which teaches displaying a preview photo page on the internet, Morris teaches, in column 12, line 50 through column 13, lines 36, column 7, lines 30-59, and in figures 12A and 12B, the production of the preview pane complete with user selected images and text, on the internet.

### **Conclusion**

14. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for providing an Internet based photo album creator.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8-24-04  
dgb

**RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173**